

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 14-1080V

Filed: January 21, 2015

Not for Publication

LOUIS MANSOLILLO

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Petitioner, * Ruling on Entitlement; Concession;
* Trivalent Influenza Vaccine
* ("flu"); Shoulder Injury Related to
* Vaccine Administration ("SIRVA");
* Special Processing Unit ("SPU")

v.

SECRETARY OF HEALTH
AND HUMAN SERVICES,

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Respondent. *

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Amber Diane Wilson, Maglio, Christopher & Toale, PA, Washington, DC, for petitioner.
Althea Walker Davis, U.S. Department of Justice, Washington, DC, for respondent.

RULING ON ENTITLEMENT¹

Vowell, Chief Special Master:

On November 5, 2014, Louis Mansolillo filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, *et seq.*² [the "Vaccine Act" or "Program"]. The petition alleges that as a result of a trivalent influenza ("flu") vaccination on October 4, 2013, petitioner suffered a shoulder injury. Petition at 1-2. The case was assigned to the Special Processing Unit of the Office of Special Masters.

On January 20, 2015, respondent filed her Rule 4(c) Report ["Respondent's Report"], in which she concedes that petitioner is entitled to compensation in this case.

¹ Because this unpublished ruling contains a reasoned explanation for the action in this case, it will be posted on the United States Court of Federal Claims' website, in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, § 205, 116 Stat. 2899, 2913 (codified as amended at 44 U.S.C. § 3501 note (2006)). In accordance with Vaccine Rule 18(b), petitioner has 14 days to identify and move to redact medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, I agree that the identified material fits within this definition, I will redact such material from public access.

² National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755. Hereinafter, for ease of citation, all "§" references to the Vaccine Act will be to the pertinent subparagraph of 42 U.S.C. § 300aa (2006).

Respondent's Report at 4. Specifically, respondent submits that "petitioner's alleged injury is consistent with a shoulder injury related to vaccine administration ("SIRVA") and that it was caused in fact by the flu vaccine he received on October 4, 2013." Additionally, respondent indicated that no other causes have been identified for petitioner's SIRVA and petitioner's injury has persisted for more than six months. *Id.*

In view of respondent's concession and the evidence before me, I find that petitioner is entitled to compensation.

s/Denise K. Vowell

Denise K. Vowell
Chief Special Master